

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

North Dakota,

Plaintiff,

vs.

Case No. 1:19-cv-00150

United States of America,

Defendant.

ORDER REGARDING DESIGNATED DEPOSITION OBJECTIONS

[¶1] THIS MATTER comes before the Court on the Parties' Deposition Designations. Doc. Nos. 404, 405, 413. Each Party has submitted objections to the designated portions of the depositions as noted in the submitted depositions. Doc. Nos. 404-2 through 404-6, 405-2 through 405-15, 421, 422.

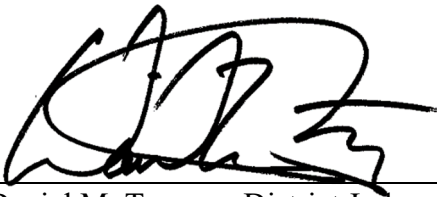
[¶2] The Court has reviewed each objection noted by the Parties to the testimony provided in each deposition. The Court **ORDERS** the following:

- Each objection in the depositions of Nicholas W. Estes (Doc. No. 404-3), Eric D. Stasch (Doc. No. 404-6), Lowry Crook (Doc. No. 405-1), Jo-Ellen Darcy (Doc. No. 405-2), Patrick Wynters Hornbuckle (Doc. No. 405-3), Sally Jewell (Doc. No. 405-4), Moira Kelley Gipe (Doc. No. 405-5), Jon Ketterling (Doc. No. 405-6), Lieutenant Colonel James T. Startzell (Doc. Nos. 404-4, 405-8—first deposition), Lieutenant Colonel James Startzell (Doc. No. 404-5—second deposition, submitted by the United States) Jacob O'Connell (Doc. No. 421), Jason N. O'Neal (Doc. No. 405-11), Daniel R. Orr (Doc. No. 405-12), Robert C. Perry (Doc. No. 422), Douglas W. Walker (Doc. No. 405-14), and Paul Ward (Doc. No. 405-15) are **OVERULED**
- The objection based on a non-responsive answer in the Deposition of Levi Bachmeier (Doc. No. 404-1), noted on deposition page number 10 is **SUSTAINED**. The remaining objections in Levi Bachmeier's deposition are **OVERRULED**.
- The objection based on a non-responsive answer in the Deposition of Scott Davis (Doc. No. 404-2), noted on deposition page number 21 is **SUSTAINED**. The remaining objections in Scott Davis' deposition are **OVERRULED**.

- The objections based on a non-responsive answer in the Deposition of Lieutenant General Todd T. Semonite (Ret.) (Doc. No. 405-7), noted on deposition page numbers 30, 35, 63, 79, and 146 are **SUSTAINED**. The remaining objections in Lieutenant General Semonite's deposition are **OVERRULED**.
- The objection based on a non-responsive answer in the Deposition of Lieutenant Colonel James T. Startzell (Doc. No. 405-9—second deposition, submitted by North Dakota), noted on deposition page number 46 is **SUSTAINED**. The remaining objections in Lieutenant General Startzell's second deposition are **OVERRULED**.
- The Court does not rule on any objection made in the supplemental materials submitted by the United States. See Doc. Nos. 413, 413-1 through 413-4. Any objection to these materials may be considered during trial.

[¶3] **IT IS SO ORDERED.**

DATED February 14, 2024.



Daniel M. Traynor, District Judge
United States District Court